

TOWN OF LAMOINE

Minutes of Planning Board Hearing and Meeting

**July 8, 2014
Lamoine Town Hall**

Planning Board Members

Present: Holt, Bamman, Donaldson, Tadema-Wielandt, Fowler, Legere (alt)
Code Enforcement Officer

Present: M. Jordan

Members of the Public

T. Gott, S. Salisbury, E. Bearor, C. Tippitt (S.W. Cole), C. Korty, V. Sprague, C. de Tuede

Members of the Press - None

Public Hearing: Gravel Permit Applications, Doug Gott & Sons, Inc. (Map 1 Lots 67-1 & 70; Map 4 Lots 11 & 16)

Chair Holt called the hearing to order at 6:32 p.m. He then welcomed to the Planning Board Perry Fowler as a regular member and David Legere as an alternate member.

Holt requested questions and comments from the public on the Gott gravel permit applications. None were forthcoming. Holt closed the hearing at 6:39 p.m.

July Planning Board Meeting

1. Chair Holt called the meeting to order at 6:39 p.m. and suggested that item #1 on the agenda (election of officers) be moved down the agenda to precede New Business. It was the consensus of the Board to do so.

2. Consideration of [Minutes](#)

Following several corrections to the draft minutes for June 11, 2014, Bamman (Tadema-Wielandt) moved to approve the minutes as amended.
Voted to approve, 5-0.

3. [Code Enforcement Officer's](#) Report

a. [Permits Issued](#)

Tadema-Wielandt inquired whether the new Workman residence encroached on the screening required for the boat shop behind it. CEO Jordan reported that he had checked the plan before approving it and that it did not affect the screening. Report accepted.

b. Enforcement Actions

Several questions on the status of enforcement actions were answered by the CEO. Report accepted.

4. Conservation Commission

David Legere reported that the paperwork for the grant to support the parking area for the Simons trail was nearing completion.

5. Old Business

a. Gravel Permit Applications: Doug Gott & Sons, Inc. (Map 1 Lots 67-1 & 70; Map 4 Lots 11 & 16)

Prior to the review, the Board asked Cliff Tippitt of S.W. Cole, Inc. to review the June 20, 2014 report on monitoring wells he submitted on behalf of the applicant. (This was a condition placed on the review process by the Board.) He reported that three new monitoring wells (GW-1, GW-2 and GW-3) had been drilled. (See map.) This brought the number of wells suitable for water quality monitoring to 4 and the number suitable for groundwater level monitoring to 8 (including several not within the pit areas).

Data from the initial readings showed that:

- a. groundwater elevations ranged from 115.37 feet (SH-1) to 143.9 feet (MW-1).
- b. the flow of groundwater was westward
- c. MW-1 (installed when the stump-grinding operation was permitted) appears to tap into a perched water table, not the “deep water table”
- d. water quality analyses revealed no traces of harmful substances that did not fall within the limits of the Safe Drinking Water Standards (SDWS) of the State of Maine. Amounts of C19-C36 in GW-1 were found to be detectable but well below acceptable SDWS limits. C. Tippitt imagined that this could come from the well installation process or, possibly, from bacteria related to manganese. He suggested that this reading be monitored.
- e. water quality in both the “up-gradient” well and the “down-gradient” wells was “clean”

C. Tippitt recommended that another well be added “within the next year or two” inside the pit “somewhere up-gradient” but west of PW-3A and southeast of MW-1. The specific location will be determined with the aid of readings taken between now and then.

Holt suggested that the Board consider whether this report and the well installations satisfy the intent of the ordinance requirements in light of the fact that the total number of monitoring wells (8) is below that required (9).

Section 7D of the Lamoine Gravel Ordinance permits the Board to “modify or waive requirements for permit applications”.

Holt (Tadema-Wielandt) moved to modify the ordinance requirements for these applications as follows:

Subsection 7C2 (b.) (groundwater elevation): 8 wells is sufficient at this time

Subsection 7C2 (c.) (water quality): 4 wells is sufficient at this time

Subsection 7C2 (c.) Analyses for Volatile Petroleum Hydrocarbons (VPH) is not necessary at this time given the low probability that any traces would be detectable. (See discussion in May 27 2014 meeting.)

Vote: 5-0 to approve modifications.

The Board then applied the Performance Standards to the applications.

The acreage of the Deerworldz pit (Map 1, Lot 70) was again clarified: it is 10 acres, not 12. Total acreage in the three pits is 42, not 44.

The review found that the applications comply with all relevant Performance Standards. (See “Gravel Permit – Findings of Fact & Decision” forms for each pit.) Gravel extraction permits were approved for Doug Gott & Sons, Inc. for Map 1 Lots 67-1 & 70; Map 4 Lots 11 & 16) through June 30, 2017, subject to the results of annual compliance reviews.

Tim Gott indicated that his company will address the areas within the pit where restoration appears not to have been successful.

b. Gravel Permit Application – Michael Keene (Map 4 Lot 41-A)

Holt reported that Mr. Keene has not submitted a completed draft of the application, nor has he communicated his intentions in this regard. Holt noted that the permit for this pit expired June 30, 2014.

c. Status of Doug Gott & Sons, Inc. appeal (Map 3, Lots 6 & 8)

Holt reported that he had sent a letter to the Appeals Board, as instructed by the Planning Board, requesting them to reconsider their vote in light of several procedural issues. The Appeals Board does not meet until July 14.

d. Status of Harold MacQuinn, Inc. appeal of the Planning Board’s May 13, 2014 decision (Map 3 Lots 31 & 33). The Appeals Board does not meet until July 14.

e. Water monitoring reports (RF Jordan, MacQuinn, and Goodwin pits)

In light of the fact that these reports and the Consent Agreement signed by the Lamoine Board of Selectmen and two of the gravel operators had not been provided to the Planning Board, discussion and action on this item was postponed until August. Holt will request that the Town Office provide all members of the Board with a complete set of these materials (to include at least: proposals from the gravel companies; data from the gravel companies; the Consent Agreement).

Holt had reviewed these materials and noted that they indicated that some of the nine pits found in violation of the ordinance continue to be in violation with regard to the number of monitoring wells, the technical accuracy of procedures used to gather water samples for quality analysis, and in other respects. R.F. Jordan appears to have complied with the requirements.

It remains unclear what the Planning Board's jurisdiction is regarding the issuance of permits for continued extraction from these nine pits. They are still operating without permits.

f. Traffic Signage. (R.F. Jordan, MacQuinn, and Goodwin pits)

The Board accepted drawings and letters from S. Salsbury to MDOT establishing the location and installation plans for the required signage.

2. (taken out of order) Selection of Offices to serve July 2014 to June 2015.

Tadema-Wielandt nominated J. Holt as Chair, D. Bamman as Vice Chair, and G. Donaldson as Secretary. Bamman seconded. Holt called for more nominations. Receiving none, he closed the nominations.

Vote: 5-0 in favor of this slate of officers.

8. New Business - None

9. Ordinance Development

a. Report of the town's Gravel Work Group. The report has been submitted to the Board of Selectmen but they have not yet discussed it or formed a plan for it. After some discussion, Holt asked Donaldson to draft a letter to the Select Board offering to explain the gravel permit application process and to clarify other matters of concern to the Select Board that might assist in moving this matter toward resolution.

b. Draft By-Laws and Rules of Procedure

There was brief discussion about the draft presented by Holt in December 2013. A future workshop seems advisable in order to discuss this more fully as well as to develop the Annual Compliance Review procedure drafted by Donaldson.

9. Next Meetings:

WEDNESDAY AUGUST 13, 7 p.m. Location to be announced

September 2

October 7

WEDNESDAY November 5

10. Adjourned at 8:45 p.m.

Respectfully Submitted,
Gordon Donaldson, Secretary